

City of Taylorsville
CITY COUNCIL MEETING
Minutes

Wednesday, December 15, 2004
Council Chambers
2600 West Taylorsville Blvd., Room No. 140
Taylorsville, Utah 84118

BRIEFING SESSION

Attendance:

Mayor Janice Auger

Council Members:

Chairman Les Matsumura
Vice-Chairman Russ Wall
Council Member Bud Catlin
Council Member Morris Pratt
Council Member Jerry Rechtenbach

City Staff:

John Inch Morgan, City Administrator
John Brems, City Attorney
Virginia Loader, City Recorder
Robin Kishiyama, Council Coordinator
Don Adams, Economic Development Director
Mark McGrath, Community Development Dir.
Larry Marx, Chief of Police

BRIEFING SESSION

Chairman Les Matsumura conducted the Briefing Session, which convened at 6:00 p.m. discussed.

Council Member Russ Wall **MOVED** to meet in Closed Session to discuss the sale of real property at 6:20 p.m. Council Member Morris Pratt **SECONDED** the motion. Chairman Matsumura called for discussion on the motion. There being none, he called for a roll call vote. The vote was as follows: Matsumura-yes, Rechtenbach-yes, Catlin-yes, Pratt-yes, Wall-yes. **All members of the City Council were in favor and the motion carried by a unanimous vote.**

CLOSED SESSION

The Closed Session was recorded. The tape is on file and is now a "protected record." Council Member Jerry Rechtenbach **MOVED** to adjourn the Closed Session and convene the Regular City Council Meeting at 6:30 p.m. Council Member Bud Catlin **SECONDED** the motion. Chairman Les Matsumura called for discussion on the motion. There being none, he

called for a roll-call vote. The vote was as follows: The vote was as follows: Matsumura-yes, Rechtenbach-yes, Catlin-yes, Pratt-yes, Wall-yes. **All members of the City Council were in favor and the motion carried by a unanimous vote.**

REGULAR MEETING

Attendance:

Mayor Janice Auger

Council Members:

Chairman Les Matsumura
Vice-Chairman Russ Wall
Council Member Bud Catlin
Council Member Morris Pratt
Council Member Jerry Rechtenbach

City Staff:

John Inch Morgan, City Administrator
John Brems, City Attorney
Mark McGrath, Community Development Director
Gerry Orr, City Finance Director
Virginia Loader, City Recorder
Robin Kishiyama, Council Coordinator
Larry Marx, Chief of Police

Citizens: Scott K. Fausett, Gerald Allen, Jared Allen, Mathew Nistler, Jesse Larsen, Vaughn Mott, Don Berry, Heath Lowry, Ken Miles, Kevin Martindale, Theresa Martindale, Bob Rogers, Kevin Taylor, James Lancaster, Jan Wheeler, Cliff Wheeler, Susan Bukovinsky, Kristie Overson, Ken Cook, Keith Sorensen, Larry Mullemax, Karen Barney, Tabatha Deans, Dan North, Ted Jensen, Harlan Christmas, Dama Barbour, Jake Barbour, Randy Freestone, Connie Taney, Holly Case Smith, John E. Gidney, Amie Newton, Jim Dunnigan, Angelino Calacino, Michael Waddoups, Den Carroll, Jack E. North

1. WELCOME, INTRODUCTION AND PRELIMINARY MATTERS

18:38:38 Chairman Les Matsumura called the meeting to order at 6:38 p.m. and welcomed those in attendance. He then reviewed the Citizen Comment Procedures for the audience.

1.1 Pledge of Allegiance – Opening Ceremonies – *Council Chair Les Matsumura*

18:39:58 Council Coordinator Robin Kishiyama directed the Pledge of Allegiance.

1.2 Reverence – Council Chair Les Matsumura (Opening Ceremonies for January 5, 2005 to be arranged by Youth Council)

18:40:54 Council Member Russ Wall offered the Reverence.

18:41:37 Council Member Russ Wall was granted a personal privilege to acknowledge three former City Council Members; Keith Sorensen, Bruce Wasden and Ken Cook, and also Chief Berry from the Unified Fire Authority.

1.3 Citizen Comments

18:42:06 Chairman Les Matsumura called for any citizen comments.

18:42:30 **Scott Fausett** submitted written comments from which he read. He listed four different issues then concluded by saying that “these are the questions that many citizens and City Staff members have, that we would like the City Council to look into.” Mr. Fausett then stated that the Public Safety Committee is opposed to starting a City Police Department.

18:46:08 **Susan Bukovinsky** spoke in favor of keeping the Salt Lake County deputies that are currently working in Taylorsville for the Taylorsville Police Department.

18:48:04 **Kevin Martindale** said that he would like to see Taylorsville install a turn signal light at the intersection of 5200 South 4000 West. He said that there have been several accidents over the years due to no signal light. He encouraged the Council to do this for the safety of his family and friends. He was informed that this matter has been turned over to City Engineer for evaluation

18:49:34 **Bruce Wasden** expressed his desire to continue contracting with the Sheriff’s Office for law enforcement services. He also encouraged the City Council to include Bennion in the new name when naming the Jones Dairy property.

18:53:27 **Ken Cook** said that the City has benefited greatly from contracting for law enforcement services and he encouraged the City Council to remain doing so. He said that he feels that the City gets good police protection and it is a way of looking out for the taxpayers of the City. He encouraged the City Council to think back and think very deeply on this subject.

18:56:13 **Tabatha Deans**, Eagle Sentinel, said that she is concerned about hiring inexperienced officers that are not familiar with the City. She said that she feels that the current officers serving Taylorsville are familiar with the City and are proactive in solving crimes. She expressed concern in regards to a learning curve for new officers. She urged the Council to stop and wait until everyone is in agreement and then go forward from there.

18:58:34 **Randy Freestone** spoke in support of a Taylorsville police force.

19:00:06 There being no further comments Mr. Matsumura closed Citizen Comments.

Two written comment sheets were submitted as follows:

Michael Waddoups – “I believe we should expedite the formation of our police department. I recently had a call and my people were not treated professionally and, in fact, rude would be my evaluation. My request for follow up was addressed by the Mayor but ignored by the Sheriff. We need better response.”

Paul J. Hill and Shirley Sue Hill – “We think it would be in the best interest of the city of keep the police coverage as it is now.”

1.4 Mayor’s Report

19:00:22 Mayor Janice Auger distributed information from the Utah League of Cities and Towns Tax Policy Consultant Roger O. Tew in regards to 2005 Sales and Property Tax Legislation, specifically a Streamlined Sales Tax System reducing the current 92 different local option sales tax rates to a single state rate.

19:02:26 She also reported that Salt Lake County is drafting an RFP to redesign and update the Meadowbrook Golf Course at which time she said that real estate may be surplusd.

19:03:09 She reported that there has been an upsurge in animal hobby permits and Salt Lake County Animal Control is hanging door hangers on residences listing basic rules for licensing animals.

19:04:21 Mayor Auger wished everyone Happy Holidays.

19:04:32 Council Chairman Matsumura recognized Boy Scout Troop 870 and also Representative Jim Dunnigan.

2. REPORTS

2.1 Salt Lake County Animal Control– *Ken Miles*

19:05:44 Ken Miles, of Salt Lake County Animal Control, gave a report on recent animal services activities within Taylorsville.

19:07:49 Council Member Russ Wall reported that when he had an occasion to visit Salt Lake County Animal Services he was treated very well and was impressed with their efficient system.

2.2 Salt Lake County Public Works– *Kevyn Smeltzer*

19:08:12 Kevyn Smeltzer, of the Salt Lake County Public Works Department, presented a quarterly report on Public Works services within Taylorsville. A written report was not submitted to the City Council. Mr. Smeltzer then addressed questions from the City Council.

3. APPOINTMENTS

3.1 Kenneth Duvall, Budget Committee – *Council Chair Matsumura*

19:11:30 Chairman Matsumura recognized Kenneth Duvall and nominated him to serve on the Budget Review Committee.

19:12:25 Council Member Morris Pratt said that Kenneth Duvall has been a very faithful and contributory member of the Ordinance Review Committee. He then **MOVED** to appoint Kenneth Duvall as a member of the Budget Review Committee. Council Member Jerry Rechtenbach **SECONDED** the motion. Chairman Matsumura called for discussion on the motion. There being none, he called for a vote. The vote was as follows: Matsumura-yes, Rechtenbach-yes, Catlin-yes, Pratt-yes, Wall-yes. **All City Council members voted in favor and the motion passed unanimously.**

3.2 Emery Crook, Mark McGrath, Edo Rottini, Les Matsumura, Holly Smith, Larry Mullenax, Glen DeBenedictus, Jack North – Selection/Steering Committee for Baseball Complex -- *Mayor Auger*

19:12:57 Mayor Auger nominated Emery Crook, Mark McGrath, Edo Rottini, Les Matsumura, Holly Smith, Larry Mullenax, Glen DeBenedictus, Jack North, Keith Sorensen and John Buck to serve as members of the Selection/Steering Committee for the Baseball Complex. Additional members will be appointed in the future. Council Member Russ Wall **MOVED** to appoint those individuals nominated by the Mayor to serve on the Selection/Steering Committee for the Baseball Complex. Council Member Bud Catlin **SECONDED** the motion. Chairman Matsumura called for discussion on the motion. There being none, he called for a vote. The vote was as follows: Matsumura-yes, Rechtenbach-yes, Catlin-yes, Pratt-yes, Wall-yes. **All City Council members voted in favor and the motion passed unanimously.**

4. CONSENT AGENDA 19:16:45

Council Member Bud Catlin **MOVED** that Item 4.2 of the Consent Agenda be moved to Other Matters. Council Member Russ Wall **SECONDED** the motion. Chairman Matsumura called for discussion on the motion. There being none, he called for a vote. The vote was as follows: The vote was as follows: Matsumura-yes, Rechtenbach-yes, Catlin-yes, Pratt-yes, Wall-yes. **All City Council members voted in favor and the motion passed unanimously.**

4.1 Minutes – RCCM 12-01-04

Council Member Russ Wall **MOVED** to adopt the Consent Agenda, with possible changes as previously discussed in Briefing Session. Council Member Morris Pratt **SECONDED** the motion. Chairman Matsumura called for discussion on the motion. There being none, he called for a roll call vote. The vote was as follows: The vote was as follows: Matsumura-yes, Rechtenbach-yes, Catlin-yes, Pratt-yes, Wall-yes. **All City Council members voted in favor and the motion passed unanimously.**

19:17:37 Council Member Russ Wall **MOVED** to address Items 7.1 7.2 .7.3 and 4.2 now. Council Member Bud Catlin **SECONDED** the motion. Chairman Matsumura called for discussion on the motion. There being none, he called for a vote. The vote was as follows: The vote was as follows: Matsumura-yes, Rechtenbach-yes, Catlin-yes, Pratt-yes, Wall-yes. **All City Council members voted in favor and the motion passed unanimously.**

7.1 Presentation Regarding Legislative vs. Executive Powers Within the City – *Dave Church*

19:18:14 David Church, Utah League of Cities and Towns Attorney, explained that there are various forms of government in Utah. Taylorsville has an Optional Form of Government, which is the Council-Mayor form, and is often referred to as the Strong Mayor form. Mr. Church explained that when the City was incorporated that is the form of government that the residents voted for.

Mr. Church explained that the Council-Mayor form is a very structured form of government and it is often frustrating to Council Members because they are often too qualified for their duties. Council Members under this form are limited to being a legislative policy making body.

Mr. Church reviewed the powers and duties of the Mayor under the Council-Mayor form of government that are listed in UCA 10-3-1219, which specifies that the Mayor shall be the chief executive and administrative officer of the municipality.

Mr. Church explained that the purpose of the structured Council-Mayor form of government is to separate out the executive and administrative functions from policy-making functions.

19:25:49 In response to Council Member Russ Wall's question regarding checks and balances of the Council versus Administration, Mr. Church explained that UCA 10-3-1217 allows the Council to appoint committees to conduct investigations into the conduct of any officer, department, or agency of the municipal government, or any matter relating to the welfare of the municipality, and delegating to these committees such powers of inquiry as the Council may deem necessary.

19:28:27 In response to Council Member Bud Catlin, Mr. Church explained that the Council does have the power to open and amend the budget. However, it all has to be done by the Council as a whole in a City Council Meeting. He also said that the power of an individual Council Member is to vote and the legislative power of the Council is as a whole.

19:30:22 In response to Council Member Jerry Rechtenbach, Mr. Church explained the contrasts in alternative forms of government.

19:32:44 Council Member Les Matsumura asked if the Council could create policies for the executive branch to administer. Mr. Church explained UCA 10-3-1210 – The municipal council of a municipality adopting an optional form of government provided for in this part shall pass ordinances, appropriate funds, review municipal administration and perform all duties that may be required of it by law.

Mr. Church then explained that administration usually recommends a policy and the City Council determines the final product and adopts it by resolution or ordinance and then the Mayor administers it. However, if there is not a policy in place, the Mayor can administer the way she chooses.

19:36:03 Mr. Church responded to questions from the Council.

In conclusion, Mr. Church said that there are difficulties in all forms of government; however, it is the people that have the positions, not the positions themselves that make it work.

7.2 Discussion of Planning Commission Policies and Procedures

19:47:50 Morris Pratt referred to a letter of September 22, 2004 addressed to Fellow Council Members with a copy to Planning Commission Members, Mayor Auger and City Staff. The letter stated that Mr. Pratt is concerned about city staff influence sometimes. Also, after attending the ULCT, Mr. Pratt would like to see the Planning Commission become more proactive as well. Mr. Pratt said that it is the Council's desire to work with the Planning

Commission. He said that although they do not always agree, they have the best interest of the citizens at heart. Mr. Pratt then addressed the three recommendations listed in his letter as follows:

1. That we meet together with the Planning Commission in an effort to get to know each other. Many of us have never met. If this is not acceptable, I would like to meet with them individually. We need to discuss the Rules of Procedure and what direction if any we would like to see taken.

The following Planning Commission members then stood and introduced themselves: Dama Barbour, Aimee Newton, Angelo Calacino, Kristie Overson, Ted Jensen, Blaine Smith, Joan Rushton Carlson, Phil Hallstrom.

2. That we ask the Planning Commission (without staff influence, but as a commission itself) to review the current ROP, compare with other cities if they choose, and provide us with whatever revisions they feel might be appropriate. We then can address those and also make suggestions. They need to define what is staff recommendation and staff influence and define responsibility more. We can then review and adopt the revised ROP.

Planning Commission Chair Angelo Calacino said that the Planning Commission has begun their review of their Rules of Procedure and their Bylaws.

3. That we assign a council member as an advisor or liaison to the Planning Commission to interact and communicate with them on a monthly basis and that we meet with the Planning Commission as a body on a semi annual, quarterly basis or as needed to keep lines of communication open.

19:57:42 In response to Council Member Pratt, Council Member Jerry Rechtenbach commented on each of the three issues concluding that he felt that this issue could have been handled with a memo to staff and relayed to the Planning Commission. Mr. Rechtenbach agreed that the Rules of Procedure could be worked on and that communication should continue between the City Council and the Planning Commission. Mr. Rechtenbach said that he did not agree with Recommendation No. 3, that the City Council should not be an advisor to the Planning Commission.

19:58:33 Council Member Russ Wall commended the Planning Commission members for their admirable work and for their dedication and service to the City.

20:00:20 Mayor Auger said that she remembers getting the memo in September and it mentioned that the Planning Commission was "unduly influenced by staff". She clarified that,

since the Rules of Procedure were adopted approximately in 1998, the staff referred to was the Community Development staff at the time of the City's inception, not the present staff.

Mayor Auger also said that she is troubled by Recommendation No. 3 and with the word "advisor" but feels that a City Council member could attend Planning Commission Meetings. She said that she also supports joint meetings held with the City Council and Planning Commission.

20:02:46 Council Member Pratt invited the Planning Commissioners' comments.

Aimee Newton encouraged the City Council to learn more of the Planning Commission issues, duties and responsibilities. She asked if the City Council members would be in favor of adopting an ordinance that requires the City Council to obtain hours of planning training. 20:04:12 She also encouraged better communication between the City Council, Ordinance Review Committee and the Planning Commission in order to eliminate confusion and implement a better process.

20:05:04 Council Member Morris Pratt responded with the meeting schedule of the Board of Adjustment and the Planning Commission.

20:07:39 Ted Jensen, Planning Commission Member and Ordinance Review Committee Member, thanked Council Member Pratt for the time and effort he dedicates to the City and for his concern for the Planning Commission. He said that he will keep doing the best he can on the Planning Commission and he would also like to see it become more proactive.

20:09:46 Angelo Calacino, Planning Commission Chairman, said that the Planning Commission is being proactive and they have given a positive recommendation to the General Plan. He said that they are looking forward to making amendments to the Zoning Ordinance to implement the General Plan in order to help make a better city for the future.

20:12:10 Council Member Morris Pratt then thanked the Planning Commission for their attendance.

7.3 Recommendation for the Naming of the Jones Dairy Property and/or Jones Residence (Museum)

20:12:42 Connie Taney read a letter dated November 20, 2004 to the Mayor and City Council regarding the naming of the Jones Dairy Property and/or Jones Residence (Museum).

20:14:49 Questions from the City Council Members were addressed. Ms. Taney explained that the recommended names for the Jones Home and the Jones Dairy Property were not ranked in order of preference; they were names recommended by the Committee to the Council.

20:19:09 City Attorney John Brems said that the naming ordinance requires that the name be adopted by Ordinance.

20:20:22 Council Member Bud Catlin **MOVED** to name the property now known as the Jones Dairy to Taylorsville/Bennion Heritage Center and to prepare an ordinance adopting that name. Council Member Russ Wall **SECONDED** the motion. Chairman Matsumura called for discussion on the motion. There being none, he called for a vote. The vote was as follows: The vote was as follows: Matsumura-yes, Rechtenbach-yes, Catlin-yes, Pratt-yes, Wall-yes. **All City Council members voted in favor and the motion passed unanimously.**

20:21:42 Mayor Auger stated that the Naming Committee has served its purpose and it is now dissolved.

4.2 Set a Public Hearing Date and Time Regarding the Salary and Compensation Ranges for Tech II and Managerial Positions for January 5, 2004, at 6:30 p.m.

20:22:23 Council Member Bud Catlin explained that he had this item removed from the Consent Agenda because he felt that discussion of this item should have been addressed before the Council during a budget session.

Council Member Bud Catlin **MOVED** that this item be tabled until such time as the Chairman of the Council can conduct an investigation and evaluation of those positions listed on the salary range document and determine whether they are appropriate for Taylorsville and whether they are in the ranges of other communities who have people doing similar tasks with similar responsibilities. Council Member Morris Pratt **SECONDED** the motion. Council Chairman Matsumura called for discussion.

Mayor Auger explained that increasing the salary range for the Technical II and Managerial positions does not impact the budget in any way. She explained that the increases are consistent with the 2.5% salary increase approved by the City Council during the budget session. However, in order for those increases to be given to two employees, the salary and compensation range for these two ranges needs to be increased. She also explained that, had she known, the Wasatch Front salary survey could have been made available to the City Council prior to the meeting. She reminded the Council that the purpose of the agenda item was to set a Public Hearing regarding the proposed salary ranges not to adopt them.

20:25:41 Council Member Bud Catlin said that he felt that a maximum salary should be set and once the maximum has been earned an employee should only get a cost of living increase. He also said that he would like the opportunity to review comparative salaries.

20:26:59 Council Member Russ Wall requested information regarding a time line regarding a public hearing and obtaining adequate information for consideration.

20:29:48 Mayor Auger explained that in order to give two employees a 2.5% increase in their salary as approved by the City Council in their Budget Session, the salary ranges need to be increased.

20:37:48 Further discussion ensued after which Council Member Bud Catlin **modified his motion** stating to have the Council Chairman cause to be investigated the salary ranges on that salary schedule and furnish the information from the investigation and evaluation to the Council with a recommendation on the salary ranges and that it be done, if possible, in the Work Session in January, which would be the second Wednesday in January, and the third Wednesday in January you would be able to set the Public Hearing and move forward with it. Council Member Morris Pratt **SECONDED** the motion. Chairman Matsumura then called for discussion.

20:39:05 Mayor Auger explained that the motion would cause a six week delay and she said that the information could be provided to the Council immediately; therefore, she did not feel that a Public Hearing could be set.

20:39:48 Council Chairman Matsumura recommended that a Public Hearing be set for the 3rd week in January, which would allow time for investigation and evaluation.

20:41:30 Council Member Bud Catlin **modified his motion** to set the Public Hearing for the third meeting in January with the condition that that come to the Council in the Work Session with supporting documentation for the salary ranges and comparisons for everybody to view so that we can make a decision. Council Member Morris Pratt **SECONDED**. Chairman Les Matsumura called for discussion on the motion. 20:42:30 Russ Wall asked for clarification of the motion. 20:43:03 Council Member Catlin explained that the intent of the motion is that this may be a shared responsibility between the current Council Chairman and Vice-Chairman and the newly elected Chairman and Vice-Chairman. Mr. Catlin requested assurance that the new Chairman and Vice-Chairman accept responsibility and understand what has been requested and see that the assignment is carried out. Chairman Matsumura assured Mr. Catlin that his request was understood and that it will be carried out. Chairman Matsumura then called for a vote. The vote was as follows: Matsumura-yes, Rechtenbach-yes, Catlin-yes, Pratt-yes, Wall-yes. **All members of the City Council were in favor and the motion carried by a unanimous vote.**

5. PLANNING MATTERS

5.1 **Public Hearing – 6:30 p.m. – Regarding an Amendment to Chart 13.48.190, Signs Allowed by Zones – Mark McGrath**

20:44:26 Community Development Director Mark McGrath explained that the Planning Commission has recommended approval of an amendment to Chart 13.48.190, Signs Allowed, by Zones. The proposed ordinance contains the following amendments:

1. Permit apartment complexes or mobile home parks located on corner parcels to have one (1) monument sign per street frontage over 300 feet; and
2. Permit as a conditional use off-premise directional signage for commercial office parks that contain five (5) or more acres of combined property in the M-1 Manufacturing Zone.

He further explained that the requested amendments have been carefully drafted to limit the potential for negative impacts while increasing visibility of significant land uses within the City.

20:53:13 Chairman Matsumura opened the public hearing on this matter and called for any citizen comments.

20:53:46 There were no citizen comments, and Chairman Matsumura declared the Public Hearing closed. Discussion was then held and Mr. McGrath responded to questions from the City Council.

5.1.1 Ordinance No. 04-50 – Amending Chart 13.48.190 to Permit Apartment Complexes or Mobile Home Parks Located on Corner Parcels to Have One (1) Monument Sign Per Street Frontage Over 300 Feet; and to Permit as a Conditional Use Off-Premise Directional Signage for Commercial Office Parks that Contain Five (5) or More Acres of Combined Property in the M-1 Zone

20:54:09 Council Member Russ Wall **MOVED** to adopt Ordinance No. 04-50 – Amending Chart 13.48.190 to Permit Apartment Complexes or Mobile Home Parks Located on Corner Parcels to Have One (1) Monument Sign Per Street Frontage Over 300 Feet; and to Permit as a Conditional Use Off-Premise Directional Signage for Commercial Office Parks that Contain Five (5) or More Acres of Combined Property in the M-1 Zone with a change on the Chart 13.48.190 under Other, to eliminate corner and lots stating “A maximum of 1 sign per frontage shall be permitted provided that each frontage is on a separate public street and at least 300 feet in length; otherwise a maximum of 1 sign per lot shall be permitted.” Council Member Bud Catlin **SECONDED** the motion. Chairman Matsumura called for discussion on the motion.

20:55:03 Jerry Rechtenbach asked for clarification for the 300 feet requirement and recommended that a foot requirement not be stated in order to not exclude properties. Mr. McGrath said that a 300 feet requirement is used throughout the zoning ordinance and it is used in order to minimize clutter on properties. Councilmember Russ Wall then **MOVED to amend his motion** to read “that each frontage is on two separate public streets” and eliminate “and at least 300 feet in length”. Council Member Bud Catlin **SECONDED** the amended motion. Mr. Matsumura then called for a roll call vote. The vote was as follows: The vote was as follows: Matsumura-yes, Rechtenbach-yes, Catlin-yes, Pratt-no, Wall-yes. **All City Council members voted and the motion passed 4-1.**

5.2 Public Hearing – Regarding a Zoning Definition as a Conditional Use Within C-2 and C-3 Commercial Zones – *Mark McGrath*

20:59:20 Community Development Director Mark McGrath explained that the Planning Commission recommends approval of the following Check Cashing zoning definition as a conditional use within C-2 and C-3 Commercial Zones.

13.104.013 Check Cashing - “Check cashing” means cashing a check for consideration or extending a Deferred Deposit Loan and shall include any other similar types of business licensed by the State pursuant to the Check Cashing Registration Act. No check cashing or deferred deposit loan business shall be located within 600 feet of any other check cashing business. Distance requirements defined in this section shall be measured in a straight line, without regard to intervening structures of zoning districts, from the entry door of each business. One check cashing or deferred deposit loan business shall be allowed for every 10,000 citizens living in the City of Taylorsville. The term Check Cashing shall not include fully automated stand alone services located inside an existing building, so long as the automated service incorporates no signage in the windows or outside of the building.

Mr. McGrath further explained that the purpose of this amendment is to regulate check cashing establishments within the City. Previously, the City has not defined check cashing as a specific land use and was instead categorized as a “financial institution.” To address this issue Mr. Don Adams, Economic Development Director, urged the City to adopt the above definition, was recently codified by West Valley City.

21:00:09 Morris Pratt declared his interest in the deferred deposit lending institution and said that he does not feel that he can participate in the discussion of this item objectively.

21:00:34 In response to Council Member Russ Wall, Economic Development Director Don Adams gave the following reasons for limiting businesses within the community. He explained that, with surrounding cities capping the amount of “check cashing” businesses within their communities, Taylorsville has an disproportionate amount of check cashing businesses locating

in the City and, in checking their police records, they have an inordinate amount of police services to their businesses causing a burden to the system at this point in time. They also have a stigma associated with them which makes it prohibitive to other businesses locating within the City. He said that he also feels that is in the best interest, health and safety of the citizens of Taylorsville to adopt the proposed ordinance.

21:01:43 Discussion was held in regards to existing businesses, transfer of ownership and “grandfathered” businesses. Council Member Bud Catlin recommended that a moratorium be declared for a time in order for the City Council to investigate and understand the implications of this proposal.

21:07:32 Chairman Matsumura opened the public hearing on this matter and called for any citizen comments. No one spoke in favor of the matter.

21:07:56 Scott Fausett spoke in opposition and said that as a business owner, he feels that limiting the number check cashing businesses within the City would create a monopoly.

21:08:54 Ken Carroll, Eagle Sentinel, spoke in opposition and said that he feels it would set a bad precedence if this type of business was capped.

21:11:01 There were no further citizen comments, and Chairman Matsumura declared the Public Hearing closed.

5.2.1 Ordinance No. 04-51 – To Define “Check Cashing” as a Conditional Land Use Within C-2 and C-3 Commercial Zones and Establish Regulations for Check Cashing Establishments Within the City

21:11:08 Council Member Jerry Rechtenbach led discussion in regards to zoning restrictions and other eliminating restrictions that apply to check cashing establishments.

21:15:50 Mayor Auger said that she, along with the Economic Development Director, feels that, with Taylorsville neighboring cities limiting the number of these businesses within their communities, targets Taylorsville as a place for their establishment. She said that three establishments have recently applied and she asked if that is the image the Council wants for the City and if that is the gateway they want in to the City.

Council Member Morris Pratt stated that these establishments do provide a service and with the increase in their number, there must also be a need. He said that there are State regulations for this industry that helps to eliminate bad practices.

Council Member Russ Wall said that he is concerned that this issue may end up in litigation.

21:30:06 Council Member Russ Wall **MOVED** to adopt Ordinance No. 04-51 –To Define “Check Cashing” as a Conditional Land Use Within C-2 and C-3 Commercial Zones and Establish Regulations for Check Cashing Establishments Within the City. Council Member Jerry Rechtenbach **SECONDED** the motion. Chairman Matsumura called for discussion on the motion. There being none, he called for a roll call vote. The vote was as follows: The vote was as follows: Matsumura-no, Rechtenbach-yes, Catlin-no, Pratt-no, Wall-yes. **The motion failed with a 3-2 vote.**

City Attorney John Brems informed the City Council that they may adopt a temporary regulation in order to study this matter further.

21:31:10 Council Member Russ Wall **MOVED** to adopt a temporary regulation prohibiting new businesses of this type in the City of Taylorsville pending further study on the issue for 180 days. Council Member Jerry Rechtenbach **SECONDED** the motion. Chairman Matsumura called for discussion on the motion. 21:34:03 Council Member Russ Wall said that he wants to insure that a study is in place and that the City has an ordinance that is defensible. Council Member Jerry Rechtenbach said that he agrees but at some point the City needs to take a stand in order to provide the City with a positive image.

21:35:31 Council Member Morris Pratt explained his recent vote “No” because he thinks it is appropriate to study it further and to look at the entire picture. He also said that it is a good idea for staff and the Planning Commission to understand this type of business in its entirety and the affect it has on businesses.

21:37:11 **Council Chairman Matsumura then called for a vote.** The vote was as follows: The vote was as follows: Matsumura-yes, Rechtenbach-yes, Catlin-yes, Pratt-yes, Wall-yes. **All Council Members voted and the motion passed unanimously.**

5.3 Progress Report for the Design Portion of the Redwood Road Transportation Improvement and Beautification Project – *Donald Adams*

21:37:26 Economic Development Director Donald Adams explained that the City of Taylorsville is proposing a roadway beautification project along Redwood Road from I-215- to 5400 South. This project is proposed to coincide with a UDOT rotomill and overlay project scheduled to be implemented in early September 2005. He then introduced Matt Rifkin and Eric Lyman, who are also associated with the project.

21:38:14 A Power Point Presentation was made regarding the Project Update by Project Manager Chuck Larsen, J.U. B. Engineers, Inc.

21:42:15 Matt Rifkin, Interplan Inc., presented information regarding Traffic and Access.

21:51:08 Eric Lyman, E. A. Lyman, presented information regarding Landscape and Streetscape.

21:55:53 Discussion was held and questions were addressed.

22:09:24 Chuck Larsen then reviewed a proposed Project Schedule and he said that they are right on schedule

22:14:20 Council Member Bud Catlin said that when the City Council appropriated 2.3 million dollars for the Redwood Road Project his intent was to fund improvements along Redwood Road within 15 feet of the right-of-way, as described by the Project Manager, even though everything could not be done at once. He said that he had no intent to buy a traffic light on a state road ¼ mile off Redwood Road. He then requested that Chairman Matsumura poll the City Council Members to see what their legislative intent was when the budget was appropriated for the Redwood Road Project.

22:16:53 Mayor Auger gave an explanation as to why she feels that the traffic light is a viable option for the City to retain Wal-Mart at their present location.

22:24:46 Council Member Jerry Rechtenbach referred to correspondence he previously sent that stated that the City's participation in improving the Redwood Corridor would be to increase the businesses opportunity to do business. He said that his intent was to for the project to benefit all business owners equally and not just one business owner.

22:26:52 Economic Development Director Don Adams reviewed a portion of the contract with Eric Lyman and Bruce Parker that defined the area for the proposed project.

22:29:11 Council Chairman Les Matsumura said that although he has not had documentation that defines the project with the traffic light, he said that it makes sense to enhance the Redwood Road 5400 South corridor for the benefit of the citizens.

22:30:40 Council Member Russ Wall said that he has no recollection of specifically discussing a light at 1500 West and Redwood Road. He said that he feels that the Council should determine whether a traffic light is legally in the scope of the project.

22:32:14 Council Member Morris Pratt said that he does not remember approving any expenditures for a traffic light. He said that he thinks the light is a good idea but he does not think that the City should pay for it.

22:34:19 Mayor Auger talked about a traffic light being a safety issue and he expressed her thoughts on Taylorsville High School paying for part of the light versus donating 750 feet of their frontage property on Redwood Road and 5400 South.

22:36:13 Council Member Bud Catlin said his request was fulfilled in knowing what the Council's intent was in regards to the project.

6. FINANCIAL MATTERS

6.1 Ordinance No. 04-47 – Amending the Budget for the 2004-2005 Fiscal Year Providing Funding for the Police Department Operational Expenses – *John Inch Morgan*

22:40:00 City Administrator John Inch Morgan described proposed budget amendments which would allow for funding of the Police Department Operational Expenses.

22:41:52 Several comments were issued from the Council Members and Mayor Auger 22:58:15 in regards to the above Ordinance that would provide funding for the Police Department's Operational Expenses. 23:05:06 Additional discussion was held regarding options discussed in a previous meeting held Tuesday, December 14, 2004.

23:08:52 Council Member Bud Catlin said that he proposed mediation as an option; therefore, he **MOVED** that that be taken off the table as a consideration. Council Member Jerry Rechtenbach **SECONDED** the motion. Mr. Matsumura then called for a vote. The vote was as follows: Matsumura-yes, Rechtenbach-yes, Catlin-yes, Pratt-yes, Wall-no. **All City Council members voted and the motion passed 4-1.**

23:09:41 Council Members expressed their positions after which Council Member Russ Wall asked Fire Chief Don Berry to address the issue of the Unified Fire Authority and it's similarities or differences to a Unified Police Authority 23:12:51.

23:21:46 Council Member Morris Pratt requested comments from Council Member Bud Catlin regarding a Unified Police Authority. Discussion was also held regarding the current contract with Salt Lake County for law enforcement services.

23:30:19 Council Member Jerry Rechtenbach **MOVED** to adopt Ordinance 04-48 Amending the Budget for the 2004-2005 Fiscal Year Providing Funding for the Police Department Operational Expenses. Council Member Russ Wall **SECONDED** the motion. 23:30:52 Council Member Morris Pratt requested clarification in regards to the start up date of April 1, 2005. Council Member Jerry Rechtenbach amended to motion that April 1, 2005 is not a hard and fast deadline if it can't be met. 23:31:59 Further discussion ensued regarding budget approval and a

starting date of April 1, 2005. **Council Member Rechtenbach confirmed his motion with a target date of April 1, 2005. Council Member Russ Wall confirmed his SECOND.** Chairman Matsumura then called for a roll call vote. The vote was as follows: The vote was as follows: Matsumura-yes, Rechtenbach-yes, Catlin-no, Pratt-no, Wall-yes. **All City Council members voted and the motion passed 3-2.**

6.2 Consider for Approval Ordinance No. 04-49 Amending Title 2, Chapter 32 Entitled “Administrative Code” of the City of Taylorsville Code of Ordinances to More Accurately Define the Rules Regarding the Procurement of Services, Supplies and Equipment for the City – *John Brems/John Inch Morgan*

23:39:17 BC moved to table Ordinance 04-49 until the first meeting in January JR SECONDED

Council Member Bud Catlin **MOVED** to table Ordinance No. 04-49 Amending Title 2, Chapter 32 Entitled “Administrative Code” of the City of Taylorsville Code of Ordinances to More Accurately Define the Rules Regarding the Procurement of Services, Supplies and Equipment for the City until the first meeting in January. Council Member Jerry Rechtenbach **SECONDED** the motion. Chairman Matsumura called for discussion on the motion. There being none, he called for a vote. The vote was as follows: The vote was as follows: Matsumura-yes, Rechtenbach-yes, Catlin-yes, Pratt-yes, Wall-yes. **All City Council members voted in favor and the motion passed unanimously.**

7. OTHER MATTERS

8. NEW ITEMS FOR SUBSEQUENT CONSIDERATION (No Action)

23:40:20 Council Chairman Matsumura reminded the City Council of the elections to be held for Chairman and Vice-Chairman to be held January 5, 2005.

23:40:42 Mayor Auger budget compensation for jobs...

23:44:06 Following discussion, Council Member Russ Wall **MOVED** to put on the agenda **23:45:16** for January 5th creating positions in the Police Department and setting a Public Hearing if required to set compensation ranges, salary ranges for the same positions. Council Member Jerry Rechtenbach **SECONDED** the motion. Chairman Matsumura called for discussion on the motion. There being none, he called for a vote. The vote was as follows: The vote was as follows: Matsumura-yes, Rechtenbach-yes, Catlin-yes, Pratt-yes, Wall-yes. **All City Council members voted in favor and the motion passed unanimously.**

9. NOTICE OF FUTURE PUBLIC MEETINGS (NEXT MEETING)

- 9.1 City Council Briefing Session – Wednesday, January 5, 2005 – 6:00 p.m.**
- 9.2 City Council Meeting – Wednesday, January 5, 2005 – 6:30 p.m.**
- 9.3 City Council Work Session – Wednesday, January 12, 2005 – 6:00 p.m.**
- 9.4 City Council Briefing Session – Wednesday, January 19, 2005 – 6:00 p.m.**
- 9.5 City Council Meeting – Wednesday, January 19, 2005 – 6:30 p.m.**

10. CALENDAR OF UPCOMING EVENTS

- 10.1 Taylorsville Art & Snow Sculpture Show – Sat., Jan. 22 – 1:00-5:00 p.m.,
Taylorsville City Offices**

11. ADJOURNMENT

23:46:11 Council Member Jerry Rechtenbach **MOVED** to adjourn the City Council Meeting. Council Member Bud Catlin **SECONDED** the motion. Chairman Matsumura called for discussion. There being none, he called for a vote. The vote was as follows: The vote was as follows: Matsumura-yes, Rechtenbach-yes, Catlin-yes, Pratt-yes, Wall-yes. **All City Council members voted in favor and the motion passed unanimously.** The meeting was adjourned at 11:46 p.m.

Virginia Loader, City Recorder

Minutes approved: CC 01-19-05